

SENATE JOINT RESOLUTION NO. 8

BY

Wilson  
BERNAL - Jasslan

A JOINT RESOLUTION

PROPOSING an Amendment to the Constitution of the State of Texas, amending Section 51-a of Article III; providing that the Legislature shall enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance grants out of State funds to and/or medical care on behalf of needy aged persons, needy persons who are totally and permanently disabled, needy blind persons, and needy dependent children and the caretakers of such children; providing rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care; authorizing the Legislature to prescribe eligibility requirements; providing for the acceptance and expenditure of funds from the Government of the United States for such purposes; authorizing appropriations for such purposes out of State funds; providing that the maximum amount paid out of State funds to any individual recipient shall not exceed the amount that is matchable out of Federal funds; providing that the total amount of such payments for assistance and/or medical care out of State funds on behalf of such needy individuals shall not exceed the amount that is matchable out of Federal funds; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the State for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; providing for the necessary election, form of ballot, proclamation, and publication.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 51-a of Article III of the Constitution of the State of Texas be amended, and the same is hereby amended so as to read as follows:

"Section 51-a. The Legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance grants to and/or medical care for, and for rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance

grants to and/or medical care for, and for rehabilitation and other services for:

"(1) Needy aged persons;

"(2) Needy individuals who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps;

"(3) Needy blind persons;

"(4) Needy dependent children and the caretakers of such children.

"The Legislature may prescribe the eligibility requirements for participation in these programs.

"The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance grants to and/or medical care on behalf of needy persons, and in providing rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care and to accept and expend funds from the Government of the United States for such purposes in accordance with the laws of the United States as they now are or as they may hereafter be amended, and to make appropriations out of State funds for such purposes; provided that the maximum amount paid out of State funds to or on behalf of any individual recipient shall not exceed the amount that is matchable out of Federal funds; provided that the total amount of such assistance payments and/or medical assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the State for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federal matching money will be available for assistance and/or medical care for or on behalf of needy persons.

Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, \_\_\_\_\_, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment providing for the payment of assistance grants out of State funds for Old Age Assistance, Aid to the Blind, Aid to the Permanently and Totally Disabled, and Aid to Dependent Children; and/or medical care on behalf of needy aged persons, needy blind persons, needy disabled persons, and needy dependent children and the caretakers of such children; limiting the total amount that may be expended out of State funds to the total amount that is matchable out of Federal funds, and authorizing the Legislature to prescribe eligibility requirements."

"AGAINST the Constitutional Amendment providing for the payment of assistance grants out of State funds for Old Age Assistance, Aid to the Blind, Aid to the Permanently and Totally Disabled, and Aid to Dependent Children; and/or medical care on behalf of needy aged persons, needy blind persons, needy disabled persons, and needy dependent children and the caretakers of such children; limiting the total amount that may be expended out of State funds to the total amount that is matchable out of Federal funds, and authorizing the Legislature to prescribe eligibility requirements."

Section 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have the same published and held as required by the Constitution and the Laws of the State of Texas.

Austin, Texas

Feb. 19 \_\_\_\_\_, 19 69

Hon. Ben Barnes  
President of the Senate

Sir:

We, your Committee on \_\_\_\_\_ Constitutional Amendments \_\_\_\_\_,  
to which was referred S.J.R. B. No. 8 \_\_\_\_\_, have had the same  
under consideration, and I am instructed to report it back to  
the Senate with the recommendation that it do \_\_\_\_\_  
pass \_\_\_\_\_ as amended \_\_\_\_\_ and be \_\_\_\_\_ printed.

Chittin  
Chairman

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SENATE JOINT RESOLUTION NO. 8

WILSON  
BERNAL  
BY JORDAN

SENATE AMENDMENT TO  
SENATE JOINT RESOLUTION NO. 8  
AMENDMENT NO. 1

Amend Senate Joint Resolution No. 8 by striking all below the Resolving Clause and substituting in lieu thereof the following:

SECTION 1. That Section 51-a of Article III of the Constitution of the State of Texas be amended, and the same is hereby amended so as to read as follows:

"Section 51-a. The Legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance grants to and/or medical care for, and for rehabilitation and any other services included in the <sup>P</sup>~~Federal~~ <sup>L</sup>Laws as they now read or as they may hereafter be amended, providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance grants to and/or medical care for, and for rehabilitation and other services to or on behalf of:

"(1) Needy aged persons who are citizens of the United States or non-citizens who shall have resided within the boundaries of the United States for at least twenty-five (25) years;

"(2) Needy individuals who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps;

"(3) Needy blind persons;

"(4) Needy dependent children and the caretakers of such children.

"The Legislature may prescribe such other eligibility requirements for participation in these programs as it deems appropriate.

"The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the

**ADOPTED**

MAR 26 1969

*Charles Schwab*  
SECRETARY OF SENATE

COMMITTEE AMENDMENT No. 1 TO SENATE JOINT RESOLUTION NO.8

Amend Section 2 of S.J.R. 8 by striking the year 1970  
and insert in lieu thereof the year 1969.

**ADOPTED**

MAR 26 1969

*Charles Schwab*  
SECRETARY OF SENATE

By: Bernal. Wilson  
Jordan

S. J. R. No. 8

A JOINT RESOLUTION

proposing an Amendment to the Constitution of the State of Texas,  
amending Section 51-a of Article III; providing that the Legislature  
shall enact appropriate legislation which will enable the  
State of Texas to cooperate with the Government of the United States  
in providing assistance grants out of state funds to and/or medical  
care on behalf of needy aged persons, needy persons who are totally  
and permanently disabled, needy blind persons, and needy dependent  
children and the caretakers of such children; providing  
rehabilitation and any other services included in the federal  
legislation providing matching funds to help such families and  
individuals attain or retain capability for independence or  
self-care; authorizing the Legislature to prescribe eligibility  
requirements; providing for the acceptance and expenditure of funds  
from the Government of the United States for such purposes;  
authorizing appropriations for such purposes out of state funds;  
providing that the maximum amount paid out of state funds to any  
individual recipient shall not exceed the amount that is matchable  
out of federal funds; providing that the total amount of such  
payments for assistance and/or medical care out of state funds on  
behalf of such needy individuals shall not exceed the amount that  
~~is matchable out of federal funds;~~ <sup>copy 2</sup> provided that if the limitations  
and restrictions herein contained are found to be in conflict with  
the provisions of appropriate federal statutes as they now are or as  
they may be amended, to the extent that federal matching money is  
not available to the state for these purposes, then and in that  
event the Legislature is specifically authorized and empowered to  
prescribe such limitations and restrictions and enact such laws as \_\_\_\_\_

may be necessary in order that such federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; providing for the necessary election, form of ballot, proclamation, and publication.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 51-a of Article III of the Constitution of the State of Texas be amended, and the same is hereby amended so as to read as follows: \_\_\_\_\_

"Section 51-a. The Legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance grants to and/or medical care for, and for rehabilitation and any other services included in the federal laws as they now read or as they may hereafter be amended, providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance grants to and/or medical care for, and for rehabilitation and other services to or on behalf of: \_\_\_\_\_

"(1) Needy aged persons who are citizens of the United States or noncitizens who shall have resided within the boundaries of the United States for at least twenty-five (25) years; \_\_\_\_\_

"(2) Needy individuals who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps; \_\_\_\_\_

"(3) Needy blind persons; \_\_\_\_\_



"(4) Needy dependent children and the caretakers of such children. \_\_\_\_\_

"The Legislature may prescribe such other eligibility requirements for participation in these programs as it deems appropriate. \_\_\_\_\_

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1 Rel  
"The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of needy persons, in providing rehabilitation and any other services included in the federal laws making matching funds available to help such families and individuals attain or retain capability for independence or self-care, to accept and expend funds from the Government of the United States for such purposes in accordance with the laws of the United States as they now are or as they may hereafter be amended, and to make appropriations out of state funds for such purposes; provided that the maximum amount paid out of state funds to or on behalf of any needy person shall not exceed the amount that is matchable out of federal funds; provided that the total amount of such assistance payments to and/or medical assistance out of state funds on behalf of such individuals shall not exceed <sup>leave this</sup> the amount ~~that is matchable out of federal funds.~~ \_\_\_\_\_

"Supplementing legislative appropriations for assistance payments authorized by this Section, the following sums are allocated out of the Omnibus Tax Clearance Fund and are appropriated to the State Department of Public Welfare for the period beginning September 1, 1969 and ending August 31, 1971: Three Million, Six Hundred Thousand Dollars (\$3,600,000) for Old Age Assistance, \_\_\_\_\_

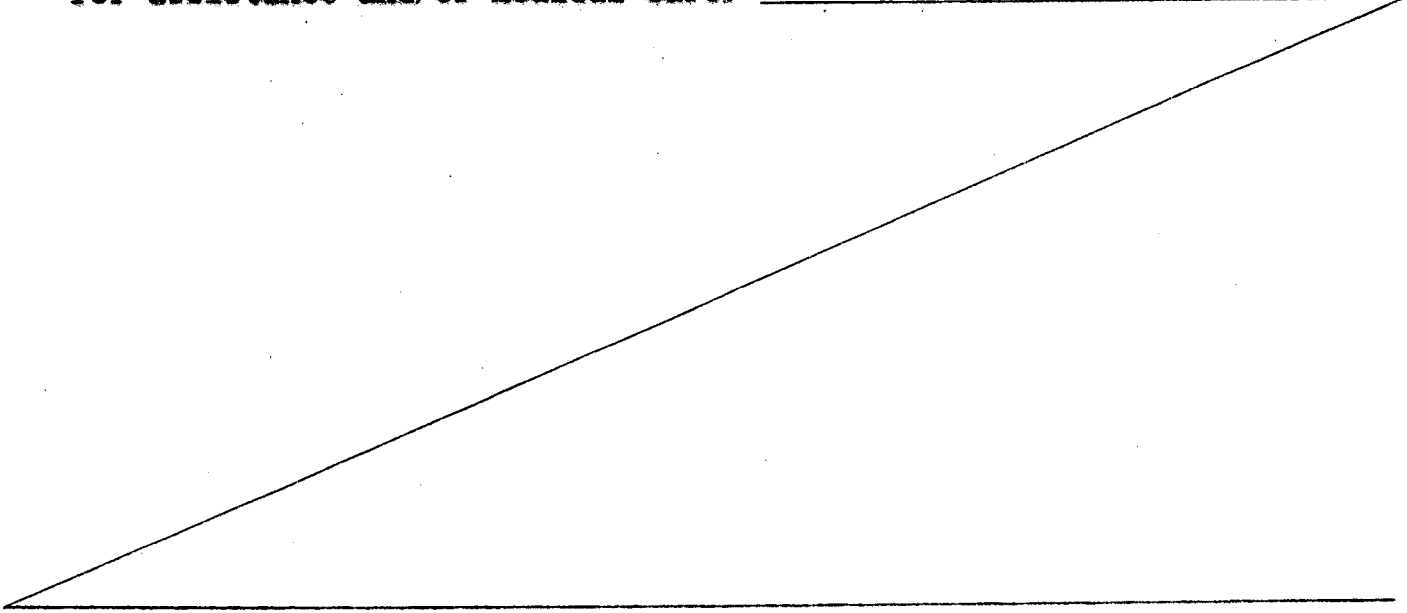
Two Million, Five Hundred Thousand Dollars (\$2,500,000) for Aid to the Permanently and Totally Disabled, and Twenty-Three Million, Nine Hundred Thousand Dollars (\$23,900,000) for Aid to Families with Dependent Children. Such allocations and appropriations shall be made available on the basis of equal monthly installments and otherwise shall be subject to the provisions of currently existing laws making allocations and appropriations for these purposes. \_\_\_\_\_

"Provided further, that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate federal statutes, as they now are or as they may be amended to the extent that federal matching money is not available to the state for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such federal matching money will be available for assistance and/or medical care for or on behalf of needy persons. \_\_\_\_\_

"Nothing in this Section shall be construed to amend, modify or repeal Section 31 of Article XVI of this Constitution; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this state." \_\_\_\_\_

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday in August, 1969. At the election the ballots shall be printed to provide for voting "FOR" or "AGAINST" the proposition: \_\_\_\_\_

1-b "The Constitutional Amendment providing for assistance to and/or medical care on behalf of the needy aged, the needy blind, the needy disabled, and the needy dependent children and their caretakers; allocating and appropriating additional sums supplementing current legislative appropriations for assistance grants; and authorizing the Legislature to enact such laws as may be necessary in order that federal matching money will be available for assistance and/or medical care." \_\_\_\_\_



(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

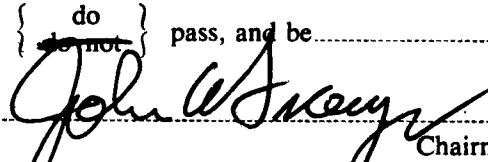
## COMMITTEE REPORT

Date 4-8-69

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on CONSTITUTIONAL AMENDMENTS, to whom wasreferred SJR No. 8, have had the same under considerationand beg to report back with recommendation that it <sup>do</sup>~~do not~~ pass, and be printed  
Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

1 By: Bernal, Wilson, Jordan S. J. R. No. 8  
2 (In the Senate. --January 29, 1969, Filed with the Secretary of the Senate;  
3 January 30, 1969, Read, referred to Committee on Constitutional Amendments;  
4 February 19, 1969, reported favorably, as amended; March 26, 1969, Senate  
5 and Constitutional Rules to permit consideration suspended by 29 yeas, 2 nays.  
6 March 26, 1969, Read second time amended and ordered engrossed; March  
7 26, 1969, Caption ordered amended to conform to body of bill; March 26, 1969,  
8 Senate and Constitutional 3-Day Rules suspended by vote of 28 yeas, 2 nays  
9 to place bill on third reading and final passage; March 26, 1969, Read third  
10 time and passed by 28 yeas, 2 nays.)

11 CHARLES SCHNABEL  
12 Secretary of the Senate

13 March 26, 1969, Engrossed.

14 ESSIE MCGINNIS  
15 Engrossing Clerk

16 March 27, 1969, Sent to House.

17 March 27, 1969, Received from the Senate.

18 DOROTHY HALLMAN

19 Chief Clerk, House of Representatives

20 (In the House. --April 1, 1969, Read first time and referred to Committee  
21 on Constitutional Amendments.)

22 A JOINT RESOLUTION.

23 proposing an Amendment to the Constitution of the  
24 State of Texas, amending Section 51-a of Article  
25 III; providing that the Legislature shall enact ap-  
26 propriate legislation which will enable the State of  
27 Texas to cooperate with the Government of the United  
28 States in providing assistance grants out of state  
29 funds to and/or medical care on behalf of needy aged  
30 persons, needy persons who are totally and permanent-  
31 ly disabled, needy blind persons, and needy dependent  
32 children and the caretakers of such children; providing  
33 rehabilitation and any other services included in the  
34 federal legislation providing matching funds to help  
35 such families and individuals attain or retain capability  
36 for independence or self-care; authorizing the Legis-  
37 lature to prescribe eligibility requirements; providing  
38 for the acceptance and expenditure of funds from the  
39 Government of the United States for such purposes;  
40 authorizing appropriations for such purposes out of  
41 state funds; providing that the maximum amount paid  
42 out of state funds to any individual recipient shall not  
43 exceed the amount that is matchable out of federal  
44 funds; providing that the total amount of such payments  
45 for assistance and/or medical care out of state funds  
46 on behalf of such needy individuals shall not exceed  
47 ~~the amount that is matchable out of federal funds~~; pro-  
48 vided that if the limitations and restrictions herein con-  
49 tained are found to be in conflict with the provisions of  
50 appropriate federal statutes as they now are or as they  
51 may be amended, to the extent that federal matching  
52 money is not available to the state for these purposes,  
53 then and in that event the Legislature is specifically  
54 authorized and empowered to prescribe such limitations  
55 and restrictions and enact such laws as may be neces-  
56 sary in order that such federal matching money will be  
57 available for assistance and/or medical care for or on  
58 behalf of needy persons; providing for the necessary  
59 election, form of ballot, proclamation, and publication.  
60

*Amendment*  
*(2) here*

1 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

2 Section 1. That Section 51-a of Article III of the Constitution of the State  
3 of Texas be amended, and the same is hereby amended so as to read as fol-  
4 lows:

5 "Section 51-a. The Legislature shall have the power, by General Laws, to  
6 provide, subject to limitations herein contained, and such other limitations,  
7 restrictions and regulations as may by the Legislature be deemed expedient,  
8 for assistance grants to and/or medical care for, and for rehabilitation and  
9 any other services included in the federal laws as they now read or as they  
10 may hereafter be amended, providing matching funds to help such families  
11 and individuals attain or retain capability for independence or self-care, and  
12 for the payment of assistance grants to and/or medical care for, and for  
13 rehabilitation and other services to or on behalf of:

14 "(1) Needy aged persons who are citizens of the United States or noncitizens  
15 who shall have resided within the boundaries of the United States for at  
16 least twenty-five (25) years;

17 "(2) Needy individuals who are totally and permanently disabled by reason  
18 of a mental or physical handicap or a combination of physical and mental  
19 handicaps;

20 "(3) Needy blind persons;

21 "(4) Needy dependent children and the caretakers of such children.

22 "The Legislature may prescribe such other eligibility requirements for  
23 participation in these programs as it deems appropriate.

24 "The Legislature shall have authority to enact appropriate legislation  
25 which will enable the State of Texas to cooperate with the Government of  
26 the United States in providing assistance to and/or medical care on behalf  
27 of needy persons, in providing rehabilitation and any other services in-  
28 cluded in the federal laws making matching funds available to help such  
29 families and individuals attain or retain capability for independence or  
30 self-care, to accept and expend funds from the Government of the United  
31 States for such purposes in accordance with the laws of the United States  
32 as they now are or as they may hereafter be amended, and to make appro-  
33 priations out of state funds for such purposes; provided that the maximum  
34 amount paid out of state funds to or on behalf of any needy person shall  
35 not exceed the amount that is matchable out of federal funds; provided that  
36 the total amount of such assistance payments to and/or medical assistance  
37 out of state funds on behalf of such individuals shall not exceed ~~the amount~~  
38 ~~the amount of federal funds.~~

39 "Supplementing legislative appropriations for assistance payments autho-  
40 rized by this Section, the following sums are allocated out of the Omnibus  
41 Tax Clearance Fund and are appropriated to the State Department of Public  
42 Welfare for the period beginning September 1, 1969 and ending August 31,  
43 1971: Three Million, Six Hundred Thousand Dollars (\$3,600,000) for Old  
44 Age Assistance, Two Million, Five Hundred Thousand Dollars (\$2,500,000)  
45 for Aid to the Permanently and Totally Disabled, and Twenty-Three Mil-  
46 lion, Nine Hundred Thousand Dollars (\$23,900,000) for Aid to Families  
47 with Dependent Children. Such allocations and appropriations shall be made  
48 available on the basis of equal monthly installments and otherwise shall be  
49 subject to the provisions of currently existing laws making allocations and  
50 appropriations for these purposes.

51 "Provided further, that if the limitations and restrictions herein contained  
52 are found to be in conflict with the provisions of appropriate federal statutes,  
53 as they now are or as they may be amended to the extent that federal matching  
54 money is not available to the state for these purposes, then and in that event  
55 the Legislature is specifically authorized and empowered to prescribe such  
56 limitations and restrictions and enact such laws as may be necessary in  
57 order that such federal matching money will be available for assistance and/or  
58 medical care for or on behalf of needy persons.

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1 "Nothing in this Section shall be construed to amend, modify or repeal  
2 Section 31 of Article XVI of this Constitution; provided further, however,  
3 that such medical care, services or assistance shall also include the  
4 employment of objective or subjective means, without the use of drugs,  
5 for the purpose of ascertaining and measuring the powers of vision of the  
6 human eye, and fitting lenses or prisms to correct or remedy any defect  
7 or abnormal condition of vision. Nothing herein shall be construed to per-  
8 mit optometrists to treat the eyes for any defect whatsoever in any manner  
9 nor to administer nor to prescribe any drug or physical treatment whatsoever,  
10 unless such optometrist is a regularly licensed physician or surgeon under  
11 the laws of this state."

12 Sec. 2. The foregoing Constitutional Amendment shall be submitted to a  
13 vote of the qualified electors of this state at an election to be held on the  
14 first Tuesday in August, 1969. At the election the ballots shall be printed  
15 to provide for voting "FOR" or "AGAINST" the proposition:

16 "The Constitutional Amendment providing for assistance to and/or medical  
17 care on behalf of the needy aged, the needy blind, the needy disabled, and  
18 the needy dependent children and their caretakers; allocating and appropriating  
19 additional sums supplementing current legislative appropriations for assistance  
20 grants; and authorizing the Legislature to enact such laws as may be necessary  
21 in order that federal matching money will be available for assistance  
22 and/or medical care."

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SECOND PRINTING



Official House Printing

1 By: Bernal, Wilson, S. J. R. No. 8  
2 (In the Senate. --January 29, 1969; Filed with the Secretary of the Senate;  
3 January 30, 1969, Read, referred to Committee on Constitutional Amend-  
4 ments; February 19, 1969, Reported favorably, as amended; March 26,  
5 1969, Senate and Constitutional Rules to permit consideration suspended by  
6 29 yeas, 2 nays; March 26, 1969, Read second time amended and ordered  
7 engrossed; March 26, 1969, Caption ordered amended to conform to body  
8 of bill; March 26, 1969, Senate and Constitutional 3-Day Rules suspended  
9 by vote of 28 yeas, 2 nays to place bill on third reading and final passage;  
10 March 26, 1969, Read third time and passed by 28 yeas, 2 nays.)

11 CHARLES SCHNABEL  
12 Secretary of the Senate

13 March 26, 1969, Engrossed.

14 ESSIE MCGINNIS  
15 Engrossing Clerk

16 March 27, 1969, Sent to House.

17 March 27, 1969, Received from the Senate.

18 DOROTHY HALLMAN

19 Chief Clerk, House of Representatives

20 (In the House. --April 1, 1969, Read first time and referred to Committee  
21 on Constitutional Amendments; April 8, 1969, Reported favorably, sent to  
22 Printer.)

23 (Refer to FIRST PRINTING OF S. J. R. NO. 8 for the complete  
24 text thereof. Bill Analysis below.)

25  
26 COMMITTEE REPORT

27 COMMITTEE ROOM  
28 Austin, Texas, April 8, 1969

29 Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

30 SIR: We, your Committee on Constitutional Amendments, to whom was  
31 referred S. J. R. No. 8, have had the same under consideration and beg to  
32 report back with recommendation that it do pass, and be printed.

33 John A. Traeger, Chairman

34 BILL ANALYSIS

35 Background Information:

36 An explanation of the present law and the changes proposed in  
37 S. J. R. 8 follow in the analysis.

38 Purpose of the Resolution:

39 S. J. R. 8 amends Art. III, Sec. 51-a by changing certain age and  
40 citizenship requirements, removing the \$60 million annual limitation, and  
41 providing for certain supplementary funds from the Omnibus Tax Clearance  
42 Fund.

43 Section by section Analysis:

44 Section 1: following is a list of changes in Sec. 51-a, Art. III:

45 (1) line 9: 'Federal legislation' is changed to 'federal laws as they  
46 now read or as they may hereafter be amended'

47 (2) lines 14-16: provision for being over 65 is deleted

48 (3) lines 17-19: provision for being U. S. citizen between 18 and  
49 65 is deleted

50 (4) line 20: provision for being U. S. citizen over 18 is deleted

51 (5) line 21: adds the word 'dependent' and deletes provision requir-  
52 children to be U. S. citizens under 21.

53 (6) lines 22-23: basically changes 'define'... 'residence require-  
54 ments' to 'prescribe'... 'eligibility requirements'

55 (7) line 28: changes 'legislation' to 'laws'

56 line 34: changes 'individual recipient' to 'needy person'

57 line 37: changes 'recipients' to 'individuals'



1 (8) Between lines 38 and 39 a paragraph is deleted that limits the  
2 total amount that can be expended in one year for Old Age, Dis-  
3 abled, Blind, and Dependent Children to \$60 million.  
4 (9) lines 39-50 are new language providing supplementary funds  
5 from the Omnibus Tax Clearance Fund for the period Sept. 1, 1969  
6 to August 31, 1971 in amounts of \$3,600,000 for old age, \$2,500,000  
7 for disabled, and \$23,900,000 for dependent children

8 Section 2: submits this to a vote on August 5, 1969.

9 Summary of Committee Hearing:

10 All necessary rules were suspended and S. J. R. 8 was reported  
11 back to the House with the recommendation that it do pass and be printed.  
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## BILL ANALYSIS

SJR 8  
Committee on Constitutional Amendments

BERNAL, WILSON

### Background information:

An explanation of the present law and the changes proposed in SJR 8 follow in the analysis.

### Purpose of the resolution:

SJR 8 amends Art III, Sect. 51-a by changing certain age and citizenship requirements, removing the \$60 million annual limitation, and providing for certain supplementary funds from the Omnibus Tax Clearance Fund.

### Section by section analysis:

Section 1: following is a list of changes in Sect. 51-a, Art III:

- (1) line 9: 'Federal legislation' is changed to 'federal laws as they now read or as they may hereafter be amended'
- (2) lines 14-16: provision for being over 65 is deleted
- (3) lines 17-19: provision for being U.S. citizen between 18 and 65 is deleted
- (4) line 20: provision for being U.S. citizen over 18 is deleted
- (5) line 21: ~~deletes~~ the word 'dependent' and ~~adds~~ <sup>delete</sup> provision requiring children to be U.S. citizens under 21.
- (6) lines 22-23: basically changes 'define'... 'residence requirements' to 'prescribe'... 'eligibility requirements'
- (7) line 28: changes 'legislation' to 'laws'  
line 34: changes 'individual recipient' to 'needy person'  
line 37: changes 'recipients' to 'individuals'
- (8) Between lines 38 and 39 a paragraph is deleted that limits the total amount that can be expended in one year for Old Age, Disabled, Blind, and Dependent Children to \$60 million.
- (9) lines 39-50 are new language providing supplementary funds from the Omnibus Tax Clearance Fund for the period Sept. 1, 1969 to August 31, 1971 in amounts of \$3,600,000 for old age, \$2,500,000 for disabled, and \$23,900,000 for dependent children

Section 2: submits this to a vote on August 3, 1969.

### Summary of Committee hearing:

All necessary rules were suspended and SJR 8 was reported back to the House with the recommendation that it do pass and be printed.

①  
48  
AMENDMENT NO. 1

BY Finney

Amend S.J.R. No. 8 (First Printing) as follows:

(1) Strike the language on page 2, line 38, and substitute "of ~~Seventy-five~~ <sup>Eighty</sup> Million Dollars (\$~~80~~,000,000) during any fiscal year."

767  
6  
(2) Insert "establishing \$80,000,000 as the maximum amount that may be paid per year from state funds for assistance and/or medical care;" between "caretakers;" and "allocating" on page 3, line 18.

APR 16 1969

DATE

READ AND ADOPTED

Dorothy Hallman  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

②  
AMENDMENT NO. \_\_\_\_\_

✓  
BY Finney

Amend S.J.R. No. 8 (First Printing) by substituting ("80,000,000 per year" for "the amount that is matchable out of federal funds" on page 1, line 47..

269  
DATE

APR 16 1969

READ AND ADOPTED

Dorothy Hallman  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

Austin, Texas

April 17, 1969

Honorable Ben Barnes  
President of the Senate.

Honorable Gus Mutscher  
Speaker of The House of Representatives.

Sir:

We, your Conference Committee, appointed to adjust the differences  
between the Senate and the House of Representatives on \_\_\_\_\_

Senate Joint Resolution No. 8

have met and had same under consideration, and beg to report it  
back with the recommendation that it do pass in the form and text  
hereto attached.

ADOPTED

by vote of 26 yeas, 1 nay.

APR 17 1969

Charles Schnabel  
SECRETARY OF SENATE

Wilson  
Wood  
Permy  
Chisholm

On the part of the Senate

Ince  
Clayton  
Floyd  
Good  
Senos

On the part of the House

A JOINT RESOLUTION

proposing an Amendment to the Constitution of the State of Texas, amending Section 51-a of Article III; providing that the Legislature shall enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance grants out of state funds to and/or medical care on behalf of needy aged persons, needy persons who are totally and permanently disabled, needy blind persons, and needy dependent children and the caretakers of such children; providing rehabilitation and any other services included in the federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care; authorizing the Legislature to prescribe eligibility requirements; providing for the acceptance and expenditure of funds from the Government of the United States for such purposes; authorizing appropriations for such purposes out of state funds; providing that the maximum amount paid out of state funds to any individual recipient shall not exceed the amount that is matchable out of federal funds; providing that the total amount of such payments for assistance only out of state funds on behalf of such needy individuals shall not exceed Eighty Million Dollars (\$80,000,000) per year; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate federal statutes as they now are or as they may be amended, to the extent that federal matching money is not available to the state for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; providing for the necessary election, form of ballot, proclamation, and publication.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 51-a of Article III of the Constitution of the State of Texas be amended, and the same is hereby amended so as to read as follows:

"Section 51-a. The Legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance grants to and/or medical care for, and for rehabilitation and any other services included in the federal laws as they now read or as they may hereafter be amended, providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance grants to and/or medical care for, and for rehabilitation and other services to or on behalf of:

"(1) Needy aged persons who are citizens of the United States or non-citizens who shall have resided within the boundaries of the United States for at least twenty-five (25) years;

"(2) Needy individuals who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps;

"(3) Needy blind persons;

"(4) Needy dependent children and the caretakers of such children.

"The Legislature may prescribe such other eligibility requirements for participation in these programs as it deems appropriate.

"The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of needy persons, in providing rehabilitation and any other services included in the federal laws making matching funds available to help such families and individuals attain or retain capability for independence or self-care, to accept and expend funds from the Government of the United States for such purposes in accordance with the laws of the United States as they now

are or as they may hereafter be amended, and to make appropriations out of state funds for such purposes; provided that the maximum amount paid out of state funds to or on behalf of any needy person shall not exceed the amount that is matchable out of federal funds; provided that the total amount of such assistance payments out of state funds on behalf of such individuals shall not exceed the amount of Eighty Million Dollars (\$80,000,000) during any fiscal year.

"Supplementing legislative appropriations for assistance payments authorized by this Section, the following sums are allocated out of the Omnibus Tax Clearance Fund and are appropriated to the State Department of Public Welfare for the period beginning September 1, 1969 and ending August 31, 1971: Three Million, Six Hundred Thousand Dollars (\$3,600,000) for Old Age Assistance, Two Million, Five Hundred Thousand Dollars (\$2,500,000) for Aid to the Permanently and Totally Disabled, and Twenty-Three Million, Nine Hundred Thousand Dollars (\$23,900,000) for Aid to Families with Dependent Children. Such allocations and appropriations shall be made available on the basis of equal monthly installments and otherwise shall be subject to the provisions of currently existing laws making allocations and appropriations for these purposes.

"Provided further, that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate federal statutes, as they now are or as they may be amended to the extent that federal matching money is not available to the state for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such federal matching money will be available for assistance and/or medical care for or on behalf of needy persons.

"Nothing in this Section shall be construed to amend, modify or repeal Section 31 of Article XVI of this Constitution; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and



fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this state."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday in August, 1969. At the election the ballots shall be printed to provide for voting "FOR" or "AGAINST" the proposition:

"The Constitutional Amendment providing for assistance to and/or medical care on behalf of the needy aged, the needy blind, the needy disabled, and the needy dependent children and their caretakers; establishing Eighty Million Dollars (\$80,000,000) as the maximum amount that may be paid per year from state funds for assistance only; allocating and appropriating additional sums supplementing current legislative appropriations for assistance grants; and authorizing the Legislature to enact such laws as may be necessary in order that federal matching money will be available for assistance and/or medical care."

April 17, 1969

have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

~~to consider, provided by~~ votes

and adopt the Conference  
Committee Report on  
S. J. R. #8 prevailed  
by vote of 106-ages,  
37- noes.

Dorothy Hallman

**Chief Clerk, House of Representatives**

Wilson  
Ford  
Lenny

On the part of the Senate

Incey  
Clayton  
Floyd

Book - 2  
Somas

**APR 17 1969**

APR 17 1969 MOTION TO RECONSIDER THE VOTE BY On the part of the House  
 WHICH ~~the House~~ Reference Committee Report on S.J.R. #8 WAS  
 ADOPTED ~~PASSED~~ AND TO TABLE THE MOTION TO RECON-  
 sider PREVAILED ~~WAS~~ BY A non-record VOTE OF

*was*  
CAS

*Dorothy Hallman*  
CHIEF CLERK HOUSE OF REPRESENTATIVES

APR 17 1969

## IN THE SENATE

Received from the House

APR 17 1969

# RETURNED TO SENATE

A JOINT RESOLUTION

proposing an Amendment to the Constitution of the State of Texas, amending Section 51-a of Article III; providing that the Legislature shall enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance grants out of state funds to and/or medical care on behalf of needy aged persons, needy persons who are totally and permanently disabled, needy blind persons, and needy dependent children and the caretakers of such children; providing rehabilitation and any other services included in the federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care; authorizing the Legislature to prescribe eligibility requirements; providing for the acceptance and expenditure of funds from the Government of the United States for such purposes; authorizing appropriations for such purposes out of state funds; providing that the maximum amount paid out of state funds to any individual recipient shall not exceed the amount that is matchable out of federal funds; providing that the total amount of such payments for assistance ~~only~~ out of state funds on behalf of such needy individuals shall not exceed Eighty Million Dollars (\$80,000,000) per year; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate federal statutes as they now are or as they may be amended, to the extent that federal matching money is not available to the state for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; providing for the necessary election, form of ballot, proclamation, and publication.

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A JOINT RESOLUTION

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\_\_\_\_\_  
Lieutenant Governor

\_\_\_\_\_  
Speaker of the House

I hereby certify that S. J. R. No. 8 passed the Senate on March 26, 1969, by the following vote: Yeas 28, Nays 2, April 16, 1969, Senate concurred in House amendments by the following vote: Yeas 29, Nays 2; April 17, 1969, vote by which Senate concurred in House amendments was reconsidered by unanimous consent; Senate refused to concur in House amendments and requested appointment of Conference Committee; April 17, 1969, request granted; April 17, 1969, Senate adopted Conference Report by the following vote: Yeas 26, Nays 1.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S. J. R. No. 8 was adopted by the House on April 16, 1969, with amendments, by the following vote: Yeas 143, Nays 2; April 17, 1969, House granted request of Senate for appointment of Conference Committee; April 17, 1969, House adopted Conference Report by the following vote: Yeas 106, Nays 37.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

4-17-69  
Date

Signed  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:30 p.m. 10 CLOCKS  
APR 17 1969  
Secretary of State

## A JOINT RESOLUTION

to enable the State to cooperate with the Federal government in providing assistance grants and/or medical care to certain needy persons.

JAN 29 1969 Filed with the Secretary of the Senate

JAN 30 1969 Read, referred to Committee on Constitutional Amendments

FEB 19 1969 Reported favorably, as amended.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

MAR 26 1969 Senate and Constitutional Rules to permit consideration suspended by unanimous consent  
29 yeas, 2 nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAR 26 1969 Read second time <sup>amended</sup> and { ordered engrossed.  
passed to third reading.

MAR 26 1969 Caption ordered amended to conform to body of bill.

MAR 26 1969 Senate and Constitutional 3-Day Rules suspended by vote of 28 yeas, 2 nays to place bill on third reading and final passage.

MAR 26 1969 Read third time and passed by a viva-voce vote  
28 yeas, 2 nays.

## OTHER ACTION:

Charles Schnabel, Secretary of the Senate

3-26-69 Engrossed.

Essie M. Ginnis  
ENGROSSING CLERK

MAR 27 1969 Sent to HOUSE

Charles Schnabel  
Secretary of the Senate

Dorothy Hallman  
Chief Clerk, House of Representatives

READ 1ST TIME  
AND REFERRED TO COMMITTEE ON  
Constitutional Amendments  
Dorothy Hallman  
Chief Clerk, House of Representatives

APR 8 1969 REPORTED FAVORABLY SENT TO PRINTER APR 16 1969



PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

Rules 11:15 A.M. APR 9 1969  
(Date)

Dorothy Hallman  
Chief Clerk, House of Representatives

APR 16 1969

RETURNED

FROM HOUSE  
with amendments  
(over)

APR 16 1969

DATE Amended by vote of  
READ AND ADOPTED  
143 yeas, 2 nays  
HOUSE OF REPRESENTATIVES

Dorothy Hallman  
Chief Clerk, House of Representatives

MOTION TO RECONSIDER THE VOTE BY  
WHICH SJR # 8 WAS  
ADOPTED / DETERMINED AND TO TABLE THE MOTION TO RECON-  
SIDER PREVAILED DETERMINED BY A 28-2 VOTE  
Dorothy Hallman  
CHIEF CLERK HOUSE OF REPRESENTATIVES

APR 16 1969 RETURNED TO SENATE

Unanimous consent granted to amend  
caption of House Bill SJR # 8 to  
conform to body of bill.

APR 16 1969

Senate concurred in House amendments by the following vote: 29 yeas, 2 nays.

APR 17 1969

*Senate concurred in House*  
Vote by which ~~amendments were adopted~~  
is reconsidered by unanimous consent  
~~vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays~~

APR 17 1969

The Senate refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences between the two Houses.

APR 17 1969

Conference Committee was appointed  
on the part of the ~~House~~  
Senate

APR 17 1969

Conference Committee was appointed  
on the part of the ~~House~~  
Senate